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14th Meeting of the Compliance Committee of the Barcelona Convention and its Protocols

Athens, Greece, 27-29 June 2018

Agenda item 6: Testing Results of the Draft Guidelines for the Preliminary Assessment of Reports Submitted under Article 26 of the Barcelona Convention

Results of the Testing of the Draft Guidelines for the Preliminary Assessment of Reports to Identify Actual or Potential Cases of Non-Compliance

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UNEP/MAP
Athens, 2018

Note by the Secretariat

Introduction

1. At its 12th meeting (Athens, Greece, 24-25 January 2017), the Compliance Committee examined the Draft Guidelines for the Evaluation of Reports to Identify Actual or Potential Cases of Non-Compliance, which were renamed as Draft Guidelines for the Preliminary Assessment of Reports to Identify Actual or Potential Cases of Non-Compliance, after the 12th Meeting of the Compliance Committee.
2. The draft Guidelines triggered discussion on the value of their testing against the national implementation reports submitted by Contracting Parties, in order to check, firstly, whether and to what extent the proposed criteria capture the most relevant aspects involved in compliance and, secondly, how well they assign different weights to the questions of the national implementation reports. The sole purpose of this exercise is to test the draft Guidelines; it does not concern checking on compliance.
3. Under this understanding, the Compliance Committee agreed to conduct a pilot test of the draft Guidelines against three national implementation reports, for submission to the 13th Meeting of the Compliance Committee. Arrangements were made to do so, with the establishment of the following three groups formed from the Members and Alternate Members present at the meeting: group A (Ms. Selma Cengic, Mr. Joseph Edward Zaki, Ms. Aysin Turpanci and Ms. Milena Batakovic), group B (Ms. Orr Karassin, Mr. José Juste-Ruiz and Mr. Nicos Georgiades) and group C (Ms. Samira Hamidi and Mr. Bernard Brillet).
4. In taking this task forward, each group received a national implementation report of the reporting period 2014-2015 as follows: (1) group A: national implementation report from Israel, (2) group B: national implementation report from Montenegro and (3) group C: national implementation report from Morocco, together with short guidance from the Secretariat for facilitating each member of the group to carry out independently the testing, which was conducted intersessionally.
5. Results were received from three members (out of four) of group A, from one member (out of three) of group B and from one member (out of two) of group C. The results of the testing exercise together with the tests received were presented at the 13th Meeting of the Compliance Committee (Athens, Greece, 26-27 September 2017). Time constraints prevented the meeting from examining the outcomes of the testing, and the meeting agreed that the results of the testing together with the underlying tests received should be re-submitted to the 14th Meeting of the Compliance Committee.
6. As agreed, the results of the testing of the Draft Guidelines for the Preliminary Assessment of Reports to Identify Actual or Potential Cases of Non-Compliance are re-submitted in the present document. Tests conducted are also re-submitted in the following information documents UNEP/MED CC.14/Inf.6 and UNEP/MED CC.13/Inf.6/Add.1, together with the text of the draft Guidelines UNEP/MED CC.14/Inf.7 for reference.

Action requested

7. The Compliance Committee is expected to consider the results of the testing of the Draft Guidelines as presented in this document and advise on any additional action to take.

Group A			
National Implementation Report for the Biennium 2014-2015: ISRAEL			
Compliance Status According to the Compliance Criterion of the Draft Guidelines			
Instrument	Test 01 Results <i>Conducted by Aysin Turpanci</i>	Test 02 Results <i>Conducted by Milena Batakovic</i>	Test 03 Results <i>Conducted by Selma Cengic</i>
Barcelona Convention	Yes	Following the Guidelines due to two uncertainties, Party is in compliance with satisfactory to high level	Party in Compliance with Barcelona Convention
Dumping Protocol	?	According to the Guidelines Party has Good level of Compliance. Question: is this correct conclusion having on mind status of Ratification?	Party in Compliance with Dumping Protocol.
Emergency Protocol	No	According to the Guidelines Party has Good to High level of Compliance.	Party in Compliance with Emergency Protocol.
LBS Protocol	No	According to Guidelines Party is in compliance- satisfactory level.	Party in Compliance with LBS Protocol
SPA/DB Protocol	No	Since Protocol is not Ratified and since ratification is reported "In early stage" Party is not in compliance. However, Party provided answers and majority of measures are implemented so it is not clear according to the Guideline what to conclude.	Party not in Compliance with SPA Protocol.
Offshore Protocol	No	Not in Compliance	Party not in Compliance with Offshore Protocol.
HW Protocol	No	Not in Compliance	Party not in Compliance with HW Protocol
Overall Assessment of Compliance		Due to many uncertainties, no conclusion could be made about overall compliance	As the evaluation was done for 7 components of BC (not including the ICZM Protocol) Party achieved satisfactory level regarding the state of compliance

Group B National Implementation Report for the Biennium 2014-2015: MONTENEGRO Compliance Status According to the Compliance Criterion of the Draft Guidelines	
Instrument	Test Results <i>Conducted by Nicos Georgiades</i>
Barcelona Convention	Uncertain to positive (legal/policy) and to negative (implementation/enforcement)
Dumping Protocol	Not applicable
Emergency Protocol	Uncertain to positive
LBS Protocol	Uncertain to negative
SPA/DB Protocol	Uncertain to positive
Offshore Protocol	Not applicable
HW Protocol	Uncertain to positive

Group C National Implementation Report for the Biennium 2014-2015: MOROCCO Compliance Status According to the Compliance Criterion of the Draft Guidelines	
Instrument	Test Results <i>Conducted by Bernard Brillet</i>
Barcelona Convention	Detailed and precise national report on the implementation of the Barcelona Convention and its Protocols. The report: (1) provides a global perspective of Morocco's commitment to the Barcelona Convention, (2) provides a high-quality institutional response and (3) identifies the shortcomings for the full achievement of the expected results. More in detail, the report shows that Morocco: (1) has a good understanding and command of its public polices in the Mediterranean. This includes national legal measures and institutional arrangements, and, (2) faces a number of difficulties (e.g. insufficient allocation of resources) in implementing the dumping and the LBS Protocols. As closing remarks, applicable to the Draft Guidelines: (1) having in place the institutional and legal settings cannot be a criterion enough to guarantee the full effectiveness in achieving and maintaining in good health the Mediterranean Sea Area and, (2) information on the implementation of the ICZM Protocol should be also considered.
Dumping Protocol	
Emergency Protocol	
LBS Protocol	
SPA/DB Protocol	
Offshore Protocol	
HW Protocol	